

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KAREN R. JAMES,

Plaintiff,

Case No. 07-14129

v.

Honorable John Corbett O'Meara

AT&T CORPORATION, d/b/a AT&T
MIDWEST SERVICES,

Defendant.

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ORDER OF PARTIAL DISMISSAL

Plaintiff Karen R. James filed a five-count complaint in this court September 28, 2007, alleging, among other things, employment discrimination based on race and gender and violations of the Americans with Disabilities Act, 42 U.S.C. §§ 12101 *et. seq.* Count V of the complaint alleges intentional infliction of emotional distress.

While the claims alleging violations of federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations in Count V of the complaint present claims based only on state law. The parties to this matter are not diverse. Therefore, this court declines to exercise pendent jurisdiction over the state claim. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367(c).

Accordingly, it is hereby **ORDERED** that Count V is **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Dated: October 5, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, October 5, 2007, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager